

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

STEVEN W. THERRIEN,  
Plaintiff,

v.

WARDEN DANIEL MARTIN, et al.,  
Defendants.

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PRISONER CASE NO.  
3:07-cv-1285 (JCH)

JULY 10, 2008

**RULING ON PLAINTIFF'S MOTION FOR RECONSIDERATION [Doc. No. 74]**

On June 16, 2008, the Court denied plaintiff's motion to rectify record because plaintiff failed to present any objective evidence showing that he timely mailed his objection to the court. Plaintiff now seeks reconsideration of that ruling on the ground that he stated an incorrect date in his Motion.

Reconsideration will be granted only if the moving party can identify controlling decisions or data that the court overlooked and that would reasonably be expected to alter the court's decision. See Schrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995). A motion for reconsideration may not be used to relitigate an issue the court already has decided. See SPGGC, Inc. v. Blumenthal, 408 F. Supp. 2d 87, 91 (D. Conn. 2006), aff'd in part and vacated in part on other grounds, 505 F.3d 183 (2d Cir. 2007).

Plaintiff states that any reference in his motion to the date January 10, 2008, should have been to the date January 16, 2008. This chance is not data that was presented to but overlooked by the court. Plaintiff is attempting to relitigate the issue. As this is not proper on a motion for reconsideration, plaintiff's Motion [Doc. No. 74] is **DENIED.**

Even if the court were to consider plaintiff's argument on the merits, he has provided no objective evidence that he mailed the objection on January 16, 2008. Plaintiff's certificate of service is not objective evidence that he mailed the document on that date. In addition, this court does not function as an advocate for plaintiff. Thus, the court will not seek evidence supporting plaintiff's claim by contacting defendants' counsel.

**SO ORDERED** at Bridgeport, Connecticut this 10th day of July 2008.

/s/ Janet C. Hall  
Janet C. Hall  
United States District Judge